

**CITY OF BAYOU LA BATRE
ORDINANCE NO.: 2002-472**

**AN ORDINANCE DESIGNATING THE CHEMICAL ANALYSIS OF
THE BREATH BY USE OF THE DRAEGER 7110MK111-C**

WHEREAS, the City Council of the City of Bayou La Batre, Alabama, desires to protect, preserve and promote the health, safety and welfare of the citizens of Bayou La Batre, Alabama; and

WHEREAS, the City Council wishes to designate the Draeger 7110MK111-C Breath Alcohol Analysis as the official testing instrument for determining an individual's blood alcohol content:

THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BAYOU LA BATRE AS FOLLOWS:

SECTION ONE: CONSENT TO BE TESTED

Any person, who shall have given his consent to be tested as provided in section 32-5-192 (a) Code of Alabama (1975), as amended, or as may be amended, may be given the chemical test herein designated in order to determine the alcohol content of that persons blood.

SECTION TWO: DESIGNATION OF DRAEGER 7110MK111-C

The Draeger 7110MK111-C is hereby designated as the official testing instrument or device for determining the alcohol content of ones blood pursuant to section 32-5-192 (a) Code of Alabama, (1975), as amended or as may be amended.

SECTION THREE: ADMINISTRATION OF TEST

Any officer administering a test as herein provided must first be approved by the State Department of Health pursuant to section 32-5-194, Code of Alabama, 1975, as amended, or as may be amended, and shall administer the test in accordance with the rules and regulations of the State Board of Health now or hereinafter adopted and promulgated pertaining to the use, testing, maintenance and operation of this instrument employed for administering this test, as herein authorized.

SECTION FOUR: REPEALER

This Ordinance hereby repeals Ordinance No. 280 in its entirety. All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION FIVE: SEVERABILITY

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence or part thereof should be held unconstitutional or invalid, such decision shall not affect or impair the remainder of the Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence and part thereof separately and independently of each other.

SECTION SIX: EFFECTIVE DATE

This Ordinance shall become effective on the 31st day of August of 2002.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BAYOU
LA BATRE, ALABAMA this 13th day of August, 2002.**

CITY OF BAYOU LA BATRE



MAYOR STAN WRIGHT

ATTEST:



IMELDA McCLELLAN, CITY CLERK, CMC

STATE OF ALABAMA)
COUNTY OF MOBILE)

I, **IMELDA B. McCLELLAN**, City Clerk of the City of Bayou La Batre, Alabama, does hereby certify the foregoing to be a true and exact copy of an Ordinance approved and adopted by the Mayor and City Council of the City of Bayou La Batre, Alabama, at its meeting held on the 13th day of August, 2002.



IMELDA B. McCLELLAN, CITY CLERK, CMC